

United States District Court

WESTERN DISTRICT OF NEW YORK

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 00-CV-335

Diamond D. Construction Corp.

v.

New York State Department of Labor, Bureau of Public Works, et al

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that Diamond "D"'s motion for an interim award of fees pursuant to 42 U.S.C. section 1988 is granted in the amount of \$264,162.96. Killeen's motion for the Court to determine the amount of an attorney's charging lien pursuant to New York Judiciary Law section 475, and for judgment as a matter of law upon an account stated, is granted. Killeen is entitled to enforcement of a charging lien sufficient to satisfy his firm's outstanding bill for legal services rendered in connection with the section 1983 action. Judgment is entered against Diamond "D" and Mr. DiPizio personally in this action in the amount of \$69,042.70, representing an account stated for attorney's fees and disbursements in the amount of \$333,205.66, offset by the interim fee amount awarded under 42 U.S.C. section 1988.

Date: October 17, 2005

RODNEY C. EARLY,
CLERK

By: s/Deborah M. Zeeb
Deputy Clerk